

PROPOSED ORDINANCE

Proposed by: Town Attorney

A proposed ordinance to amend Chapter 3, Animals and Fowl, Article 4, Keeping of Wild, Exotic or Vicious Animals Prohibited, of the Code of the Town of Vienna.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

Section 1: The Town Code, Chapter 3, Animals and Fowl, Article 4, Keeping of Wild, Exotic or Vicious Animals Prohibited, of the Code of the Town of Vienna is amended to add a new Section 3-25.1 to read as follows:

Sec. 3-25.1 - Unlawful to feed or attract deer.

A. Pursuant to § 29.1-527.2 of the Code of Virginia, it shall be unlawful for any person to place, distribute, or allow the placement of food, salt, minerals, or similar substances to feed or attract deer at any time.

B. No person shall continue to place, distribute, or allow the placement of food, salt, minerals, or similar substances for any purpose if the placement of these materials results in the presence of deer.

C. No part of this ordinance shall be construed to restrict agricultural, commercial, noncommercial, or residential plantings (including wildlife food plots); bona fide distribution of food to livestock; or wildlife management activities conducted or authorized by the Department of Wildlife Resources.

D. The penalty for violating this Section shall be a civil fine of \$50.

Editor's Notes:

Statutory Authority

§§ 29.1-103, 29.1-501, 29.1-502, and 29.1-527.2 of the Code of Virginia.

Per the provisions of § 29.1-527.2 of the Code of Virginia, the following model ordinance related to the feeding of deer may be adopted by a city or town. Any city or town must notify the director of the Department of Wildlife Resources of the adoption of such an ordinance by registered mail.

Section 2: The Town Code, Chapter 3, Animals and Fowl, Article 4, Keeping of Wild, Exotic or Vicious Animals Prohibited, of the Code of the Town of Vienna is amended to add a new Section 3-25.2 to read as follows:

Sec. 3-25.2 - Unlawful to feed wild animals.

A. It shall be unlawful for any person as defined in § 1-230 of the Code of Virginia to place, distribute, or allow the placement of food, minerals, carrion, trash, or similar substances when it attracts any species of wildlife in such numbers or circumstances to cause

property damage, endanger any person or wildlife, or create a public health concern. Upon notification by department personnel, any such person shall be in violation of this section if the placing, distribution, or presence of such food, minerals, carrion, trash, or similar substances continues. This section shall not be construed to restrict bona fide agronomic plantings (including wildlife food plots), bona fide distribution of food to livestock, or wildlife management activities conducted or authorized by the department or U.S. government agencies with wildlife management responsibilities.

B. Any person violating this Section shall be guilty of Class 3 misdemeanor.

Editor's Notes:

Statutory Authority

§§ 29.1-501, 29.1-502, and 29-505 of the Code of Virginia.

Section 3: The Town Code, Chapter 3, Animals and Fowl, Article 4, Keeping of Wild, Exotic or Vicious Animals Prohibited, of the Code of the Town of Vienna is amended to add a new Section 3-25.3 to read as follows:

Sec. 3-25.3 - Deer Management Program

Notwithstanding any other provisions of the Code of the Town of Vienna relating to the discharge of firearms, within the Town of Vienna, on Town property or Town Parks, the Town Manager and the Chief of Police may authorize the following deer management procedures and applications for deer kill permits as provided pursuant to Virginia Code §29.1-529 as follows:

A. The Town manager and the Chief of Police, in coordination with the Virginia Department of Wildlife Resources ("DWR"), may authorize and conduct deer management operations and the exercise of deer kill permits and Deer Population Reduction Programs (DPOP) on property owned by the Town of Vienna, including all Parks, as well as on private property with the written consent of the property owner. Such deer management operations include the following:

- i. Sharpshooting, including harvesting of deer using special-trained Fairfax County, Town of Vienna Police Department officers, or licensed contractors.***

Section 3: This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this _____ day of _____, 2025.

Linda J. Colbert, Mayor

ATTEST:

Town Clerk

c:SDB\Ordinances\Chapter 3 ProhibitingDeerFeeding Deer Management DRAFT Revised 03 25 2025

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